| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/617,529 | 07/10/2003 | 3Yen-Fu Chen | AUS920030520US1 | 3582 |

54105        7590        10/21/2008
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| EXAMINER |
|---|
| VU, THANH T |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2175 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 10/21/2008 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _19 June 2008_.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-6,8-25 and 27-38_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-6, 8-25, 27-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

This communication is responsive to Amendment, filed 06/19/2008.

Claims 1-6, 8-25, 27-38 are pending in this application. In the Amendment, claims 39-64

were withdrawn, Claim 7, and 26 were canceled, and claims 1 and 20 were amended. This action

is made Final

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains.  Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-6, 8-25, 27-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Miura et al. , ("Miura", U.S. Pat. No. 7,246,329), Kirlay et al. ("Kirlay", U.S. Pat. No.

6,249,606), Bauersfeld (U.S. Pat. No. 5,917,491).

Per claim 1, Miura teaches a programmable apparatus for modifying a menu program,

comprising:

a computer having a memory, the memory containing a menu program, a configuration

table, and a configuration processor (fig. 12; col. 24, lines 3-20);

wherein the menu program displays menu item in a menu and is modified in accordance

with the configuration table to eliminate one or more manual movements required by a user

when employing a user input device for activating a button on the menu, selecting any text or

menu item on the menu, scrolling through the menu, or sorting items in the menu (figs. 1 and 7;

col. 12, lines 49-54; col. 21, lines 1-17 and lines 25-35; *fig 7 allows the user to customize the menu*).

      Miura does not specifically teach the menu is a drop-down menu and the drop down menu program displays menu items in a drop down menu, and wherein the configuration table comprises a plurality of pointer operations and a plurality of user selectable operation mode that corresponds to the plurality of pointer operations; wherein a first pointer operation is a pointer-over operation and wherein a first selectable operation mode corresponding to the first pointer operation is activating a menu button; and wherein the configuration processor detects change in the configuration table in response to a user selection of a selectable mode and distributes the change to the drop down menu program; wherein, responsive to the first pointer operation, when a user moves a pointer over the menu button on the drop down menu the menu button on the drop down menu is activated without any other user action.

      Kirlay teaches a configuration table comprises a plurality of pointer operations and a plurality of user selectable operation mode that corresponds to the plurality of pointer operations (figs. 2 and 13-14; col. 6, lines 16-25; col. 17, lines 27-31; *different gestures are provided by pointer operation*; col. 7, lines 65-67 and col. 8, lines 38-40; *shows pointer operation having plurality of user selectable operation modes (i.e. "single stroke" geometric gestures or alpha numeric gestures). Such operation modes (gesture categories) are configured during the training of the gesture category (see, col. 17, lines 55-67))*; a configuration processor detects change in the configuration table in response to a user selection of a selectable mode (figs. 1 and 13-14; col. 17, lines 13-18 and 27-31 *shows menu items of an application program are associated with different gesture categories*. col. 17, lines 55-67 *shows the system can detect changes in the*

*configuration table in response to a user selection of a selectable operation mode (i.e. selection*

*of a gesture during training of the gesture category)* and distribute the change to a menu program

wherein a user interaction with the menu item will be in accordance with the user selection (col.

17, lines 27-67; *changes of gesture categories during training of the gesture categories can be*

*distributed to a menu program and wherein s user interaction with menu item will be in*

*accordance with the user selection (i.e. selection of a gesture))*.

        Bauersfeld teaches the menu is a drop-down menu and the drop down menu program

displays menu items in a drop down menu (figs. 2 and 3-4C; col. 2, lines 44-46 *describes drop*

*down menu and displaying of items in a drop down menu)*; wherein a first pointer operation is a

pointer-over operation and wherein a first selectable operation mode corresponding to the first

pointer operation is activating a menu button (figs. 4a-4c; col. 5, lines 45-55); and wherein,

responsive to the first pointer operation, when a user moves a pointer over the menu button on

the drop down menu the menu button on the drop down menu is activated without any other user

action (figs. 4a-4c; col. 5, lines 45-55; *which shows the pointer 40 is over the menu button 10*

*and the bookmark menu is activated or displayed without any other user action)*.

        Therefore, it would have been obvious to one of ordinary skill in the art at the time of

the invention to include the teaching of Kirlay and Bauersfeld in the invention of Miura in order

to allow computer system to accept input data originating from a user in the form of gesture data

that are made using a cursor directing device, and in order to conserve space in an application

program by including drop-down menu.

        Per claim 2, Kirlay teaches wherein the configuration table has an activating operation

(figs. 2; col. 7, lines 1-10; command operation).

Per claim 3, Kirlay teaches wherein the configuration table has a selecting operation (col. 17, lines 15-19 and lines 27-30; gesture of mouse device is used to select a menu operation).

Per claim 4, Kirlay teaches the configuration table for menu (fig. 2) and Bauersfeld teaches a scrolling operation (col. 5, lines 37-45; a user can scroll up and down within the dropdown menu to locate a drop position using the drag&drop command).

Per claim 5, Kirlay teaches the configuration table for a menu (fig. 2) and Bauersfeld teaches a sorting operation (col. 8, lines 29-33 and table 9).

Per claim 6, Kirlay teaches the configuration table for a menu (fig. 2) and Bauersfeld teaches a recalling operation (fig. 3; col. 33-45; the bookmark dropdown menu provide a recalling operation of what are being saved in the bookmark).

Per claim 8, Bauersfeld teaches a selectable mode is a pointer-over-with-clicking mode (col. 5, lines 65-66).

Per claim 9, Kirlay a selectable mode is a pointer-movement mode (col. 6, lines 26-35; gesture is provided by mouse movement).

Per claim 10, Bauersfeld teaches a selectable mode is a pointer-over-with-highlighting mode (table 8; col. 7, lines 10-15).

Per claim 11, Bauerfeld teaches a selectable mode is a pointer-over-with-highlighting-and-clicking mode (table 8, col. 7, lines 10-15; while dragging, clicking mode is required).

Per claim 12, Kirlay teaches a configuration editor (fig. 14; col. 17, lines 55-65; gesture created by the user).

Per claim 13, Krilay teaches the configuration editor is a graphical configuration editor (fig. 14).

Per claim 14, Kirlay teaches the configuration editor has at least one operation control panel, the operation control panel having a plurality of selectable mode indicators (fig. 14; col. 6, lines 15-25; col. 17, lines 55-67; multiple different gestures can be defined).

Per claim 15, Kirlay teaches the operation control panel is an activating control panel (col. 17, lines 28-31; computer commands are activated using gestures).

Per claim 16, Kirlay teaches the operation control panel is a selecting control panel (col. 17, lines 28-31; computer commands are selected using gestures).

Per claim 17, Kirlay teaches the operation control panel (fig. 14; col. 6, lines 15-25; col. 17, lines 55-67) and Bauersfeld teaches a scrolling control panel (col. 5, lines 37-45; a user can scroll up and down within the dropdown menu to locate a drop position using the drag&drop command).

Per claim 18, Kirlay teaches the operation control panel (fig. 14; col. 6, lines 15-25; col. 17, lines 55-67) and Bauersfeld teaches a sorting control panel col. 8, lines 29-33 and table 9).

Per claim 19, Kirlay teaches the operation control panel (fig. 14; col. 6, lines 15-25; col. 17, lines 55-67) and Bauersfeld teaches a recalling control panel (fig. 3; col. 33-45; the bookmark dropdown menu provide a recalling operation of what are being saved in the bookmark).

Claims 20-25, and 27-38 are rejected under the same rationale as claims 1-6, and 8-19 respectively.

### *Response to Arguments*

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's primary argument is that the cited references do not teach "associating the movement of a pointer over a menu button with activation of the menu button". The examiner does not agree because in Fig. 4a-4c and col. 5, lines 45-56, Bauersfeld shows that the pointer 40 is over the menu button 10 and the bookmark menu is activated or displayed without any other user action.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Inquiries*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH T. VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/Thanh T. Vu/
Primary Examiner, Art Unit 2175